

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA, :
 :
v. : CRIMINAL ACTION
 : NO. 1:11-CR-239
MANUEL ZUNIGA, :
Defendant. :

MOTION TO SUPPRESS EVIDENCE

Comes now the defendant, Manuel Zuniga, by and through his undersigned counsel, who moves the court for an order suppressing the evidence obtained as the result of the search of the residence referred to as 173 Willow Springs Lane, Stockbridge, Henry County, Georgia, and in support thereof shows the court the following:

1.

The defendant is named in several counts of this multi-count multi-defendant indictment. In Count 11, he is charged with possession with the intent to distribute over 100 kilograms of marijuana which was seized from his Stockbridge residence.

2.

On June 3, 2010, a warrantless search was conducted on the house occupied by the defendant. There was neither probable cause, consent nor exigent

circumstance to justify the warrantless entry into the residence.

3.

The defendant, Manuel Zuniga, requests additional time through May 31, 2012 to complete his discovery into the matter and to supplement this motion to suppress.

4.

As a result of the illegal entry and subsequent discovery of contraband, all evidence seized from the home at 173 Willow Springs Lane, Stockbridge, Georgia as well as all derivative evidence must be suppressed. See, *Wong Sun v. United States*, 339 U.S. 407 (1963).

Wherefore, the defendant requests the court suppress the evidence seized from the Willow Springs residence and the fruits derived therefrom or in the alternative conduct an evidentiary hearing to inquire further into the basis for the search and seizure.

Respectfully submitted,
/s/ Jay L. Strongwater
Jay L. Strongwater
Georgia Bar No. 688750

1349 West Peachtree Street
Suite 1250
Atlanta, Georgia 30309
404.872.1700
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true and correct copy of the within and foregoing pleadings upon counsel for the government by electronically posting through the District Court's ECF Filing System, addressed as follows:

Lisa Tarvin, Esq.
Lisa.Tarvin@usdoj.gov

This 15th day of May, 2012.

/s/ Jay L. Strongwater
Jay L. Strongwater
Georgia Bar No. 688750

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Suite 1250
Atlanta, Georgia 30309
404.872.1700
Counsel for Defendant